

## REMARKS

Claims 10-19 are currently pending.

### Claims are Non-Obvious

The Office has rejected Claims 10-19 under 35 U.S.C. 103(a) as being unpatentable over Khosravi et al. (5,441,515) in view of Ryan (5,830,217).

MPEP 2143 states:

“To establish a prima facie case of obviousness... the prior art reference (or references when combined) must teach or suggest all the claim limitations.”

Figures 2 and 3 of Khosravi depict the basic mechanism by which the circumference of the Khosravi stent is adjustable. The sheet or strip that forms the circumference of the stent is treaded through itself, and thus overlaps itself in both the collapsed (Fig 2) and expanded (Fig 3) diameters. As described in the Khosravi specification, “a plurality of strips or stent rings 380 are formed from a sheet of material... The stent rings are formed by passing ends 390 through slots 395, whereupon the stent is formed into a cylindrical shape having a plurality of stent rings joined at tab portion 400” (column 10, line 2-8). Examiner has asserted that stent rings 380 are equivalent to radial elements in the instant application. Thus Khosravi is describing “radial elements” which overlap with themselves and which form a continuous ring, defining the complete circumference of the stent. In the current application, stents are described wherein multiple, distinct radial elements are coupled to form the circumference of the stent (Fig 3). For additional clarity, the Office is referred to the Fig. 3 of U.S. Patent 6,623,521, which was a co-pending application to the current application and is incorporated by reference. This structure results in a stent that does not have free ends protruding into the lumen, as shown in Khosravi Fig.2, number 35. Claim 10, is drawn to a stent with the limitation “wherein no radial element overlaps with itself in the second expanded diameter”. This limitation is not described in Khosravi, and Ryan does not teach how to modify Khosravi to obtain a stent wherein no radial element overlaps itself in the second expanded diameter. Therefore, the claims 10-14 should be allowed.

Claim 15 contains the limitation “wherein each radial element is structurally discrete from the other radial elements in the series and forms only a fraction of the circumference of the tubular member”. As discussed above, Khosravi describes rings that are formed by a single sheet

Appl. No. : 10/017,341  
Filed : December 13, 2001

that overlaps with itself. Therefore Khosravi does not teach this limitation, and Ryan does not teach how to modify Khosravi to obtain a stent wherein each radial element is structurally discrete from the other radial elements in the series and forms only a fraction of the circumference of the tubular member.

Therefore, Khosravi and Ryan in combination do not teach all the limitations of independent Claims 10 and 15, and the dependent Claims 11-14, 16-19. Applicant respectfully requests withdrawal of the 35 U.S.C. 103(a) rejection of Claims 10-19.

### CONCLUSION

For the reasons stated above, Applicant respectfully submits that this application is in condition for allowance and such action is respectfully requested. If any issues remain or require further clarification the Examiner is respectfully requested to call the undersigned at the number listed below in order to resolve such issues promptly. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: \_\_\_\_\_

5/9/05

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AMEND

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